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if the United States had practically to threaten war to secure a fair arbitration of the claims of the small state. The treatment of the Panama Congress of the time of Adams and Clay (pp. 93-98) is much less satisfactory than that in an earlier work of Professor Hart, *The Formation of the Union* (1910, p. 253), and that in a book by Professor Frederick J. Turner, *Rise of the New West*, edited by Professor Hart in his *American Nation Series*. It is also difficult to see why the doctrine of American expansion, so far as it has been applied in the Caribbean or elsewhere, is hostile and at variance with the doctrine of Monroe, or why the titles "permanent interest" or "American Doctrine" are not equally applicable to the Monroe Doctrine throughout its course, if it were ever conceived to stand for any interests of the United States and of Latin-America that were more than merely temporary and evanescent. President Wilson at least, in his memorable address to the Senate, on January 22, 1917, seems to have no particular aversion to either the name or the principles of the Monroe Doctrine: "I am proposing," he says, "as it were that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world. . . . I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power."

JAMES CURTIS BALLAGH.

*Leading Cases on International Law.* By Lawrence B. Evans. Chicago: Callaghan & Co. 1917. pp. xix, 477. \$3.50.

This is a work of 477 pages, which the author dedicates "To My Friend, Robert Lansing." Mr. Evans took his A.B. at Michigan and his Ph.D. at Chicago University. He has served for some years as Professor of History at Tufts College and had already compiled and published *Leading Cases on Constitutional Law*. The present collection of cases was intended to be a brief one and in such form as to make it useful to students. Therefore "it is confined to decisions from British and American jurisdictions."

There are 102 cases included, 48 decided by British and 54 by American courts. Some of the cases are "abbreviated" by the omission of "unessential matter," but the facts are given and enough of "the opinion to show the line of reasoning by which the court reached its conclusion." There are references to about 800 cases and to more

than 200 titles. The citations are largely to monographs upon special topics, but two works are habitually and throughout referred to, namely, Fauchille's edition of Bonfils' *Manuel de Droit International Public*, which is taken to represent the European continental view, and Professor John Bassett Moore's *Digest of International Law*, which, I take it, is thought to exhibit the English and American view. The author also expresses his especial obligations to Prof. Hershey's *Essentials of International Public Law*.

The cases are arranged in thirteen groups or chapters dealing with allied themes. Many of the older decisions selected are different from those included in the well known and standard collection of cases in international law edited by the late Dr. Freeman Snow of Harvard and revised and greatly enlarged by Dr. James Brown Scott. Of course, many of recent date could not be included in the older volumes.

The list of authorities cited, other than judicial decisions, covers six pages in the statement of contents, and the extended reference to legal periodicals and monographs seems a valuable and somewhat novel feature in this collection.

Among the more modern passages cited which have especial interest this, from the Higher Prize Court of Japan (see p. 14), enforces a view sometimes overlooked by students:

The rules of capture at sea resolved upon by the Institute of International Law at Turin . . . are nothing more than the desire of scholars, open to further discussion by the Powers. Under international law they have no authority. . . . As to the advocates' vague argument for governing the solid business of the day by the principles of universal benevolence, it is inadmissible. It ignores the fact that war is indispensable in the present state of international intercourse.

Another modern case given in part is *Mortensen v. Peters*, 14 Scots Law Times, R., 7, a decision by the High Court of Justiciary of Scotland, rendered in 1906. This reviewer has called attention in print to the fact that the Ambassador of Great Britain (Lord Bryce) intimated in writing that the British Government had not adhered to the doctrine of that case, though perhaps this may not impair its authority as to the special point to which it is here cited, namely the relations of international law to municipal law.

The new work cannot well replace the more extended collection of Dr. James Brown Scott (founded on that of Dr. Snow) covering nearly 1000 pages, especially if the older compilation is brought to date, as

is purposed, by a new edition. Dr. Evans' volume, however, has a distinct advantage in its condensation, its modernity, and its extended reference to authoritative periodical monographs, often so difficult to discover and yet so illuminating and convincing when found. In these points the new work must prove of especial convenience and value.

CHARLES NOBLE GREGORY.

*International Conventions and Third States.* By Ronald F. Roxburgh. London and New York: Longmans, Green & Co. 1917. pp. xvi, 119. \$2.50.

This is one of the "Contributions to International Law and Diplomacy," edited by Professor Oppenheim. The author is an English barrister, and was recently a Whewell international law scholar at Cambridge. His general conclusions postulate two leading principles. One is the existence of a "Family of Nations," which family, as to certain relations, is to be regarded as a unit. The other is that "the express or tacit consent of all states of importance is essential to permanent neutralization" (p. 71).

He refers the proof of any rule, claimed to be of force in international law, solely to the consent of the members of this family (p. 73). If some of them make a treaty which introduces, as to some particular matter, a new rule affecting states not signatory Powers, one or more of those states may, with the consent of those who are the signers, come in to share its benefits or obligations, but in the absence of such a consensual act the treaty can only become a rule of international law by long and unanimous recognition of it, as such, by the general Family of Nations. Such unanimity he would not require to be absolutely complete. Small Powers must expect to submit to rules which greater ones generally accept. International law grows by custom and long practice; and, independently of contract, is their proper and authoritative product (p. 74). A usage of nations the author regards as not less than a custom, necessarily implying that the nations concerned act under the conviction that it is legally necessary to act in that particular way (pp. 76, 77, 91). In other words, they must realize that their practice recognizes a certain rule as in fact law already, which their recognition confirms and makes one *de jure*.

But who is to say if a custom of nations exists? Municipal law has its rules of evidence and definitions as to claims of a custom between